

1999 Senate Bill 144

Date of enactment: **April 12, 2000**
Date of publication*: **April 25, 2000**

1999 WISCONSIN ACT 72

AN ACT to amend 101.123 (4) (a) 2., 165.755 (1) (b), 165.87 (2) (a), 302.46 (1) (a) and 814.63 (1) (c); and to create 101.123 (1) (ar), 101.123 (2) (ar) and 101.123 (8) (b) of the statutes; relating to: prohibiting smoking in the state capitol building and on the state capitol grounds, granting rule-making authority and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1m. 101.123 (1) (ar) of the statutes is created to read:

101.123 (1) (ar) "Immediate vicinity of the state capitol" means the area directly adjacent to the state capitol building, as determined by rule of the department of administration. "Immediate vicinity of the state capitol" does not include any location that is more than one fathom from the state capitol building.

SECTION 2. 101.123 (2) (ar) of the statutes is created to read:

101.123 (2) (ar) Notwithstanding par. (a) and sub. (3), no person may smoke in the state capitol building or in the immediate vicinity of the state capitol.

SECTION 3. 101.123 (4) (a) 2. of the statutes is amended to read:

101.123 (4) (a) 2. A person in charge or his or her agent may not designate an entire building as a smoking area or designate any smoking areas in the state capitol building, in the immediate vicinity of the state capitol, in a motor bus, hospital or physician's office or on the premises, indoors or outdoors, of a day care center when children who are receiving day care services are present, except that in a hospital or a unit of a hospital that has as

its primary purpose the care and treatment of mental illness, alcoholism or drug abuse a person in charge or his or her agent may designate one or more enclosed rooms with outside ventilation as smoking areas for the use of adult patients who have the written permission of a physician. Subject to this subdivision and sub. (3) (b), a person in charge or his or her agent may not designate an entire room as a smoking area.

SECTION 4. 101.123 (8) (b) of the statutes is created to read:

101.123 (8) (b) Any person who wilfully violates sub. (2) (ar) after being advised by an employe of the facility that smoking in the area is prohibited shall forfeit not more than \$50.

SECTION 5. 165.755 (1) (b) of the statutes is amended to read:

165.755 (1) (b) A court may not impose the crime laboratories and drug law enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1. ~~or~~ (ar) or (bm) or (5) (b) or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation or a safety belt use violation under s. 347.48 (2m).

SECTION 6. 165.87 (2) (a) of the statutes is amended to read:

165.87 (2) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a

* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1. ~~or (ar) or~~ (bm) or (5) or state laws or municipal or county ordinances involving non-moving traffic violations or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount of 23% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SECTION 7. 302.46 (1) (a) of the statutes is amended to read:

302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1. ~~or (ar) or~~ (bm) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in

part, the court shall reduce the jail assessment in proportion to the suspension.

SECTION 8. 814.63 (1) (c) of the statutes is amended to read:

814.63 (1) (c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1. ~~or (ar) or~~ (bm) or (5) or a safety belt use violation under s. 347.48 (2m).

SECTION 9m. Nonstatutory provisions.

(1) SUBMISSION OF PROPOSED RULE DETERMINING THE IMMEDIATE VICINITY OF THE STATE CAPITOL. No later than the first day of the 3rd month beginning after publication, the department of administration shall submit in proposed form the rule determining the area that qualifies as the immediate vicinity of the state capitol under section 101.123 (1) (ar) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes. The proposed rule shall include a diagram that illustrates the area that qualifies as the immediate vicinity of the state capitol.

SECTION 10m. Effective dates. This act takes effect on the first day of the 6th month beginning after publication, except as follows:

(1) SUBMISSION OF PROPOSED RULE DETERMINING THE IMMEDIATE VICINITY OF THE STATE CAPITOL. SECTION 9m (1) of this act takes effect on the day after publication.